

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

Case No. 3:17-cv-00939

**[PROPOSED] ORDER APPOINTING
JOHN L. COOPER SPECIAL MASTER
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 53**

The parties, Waymo LLC and Uber Technologies, Inc., Ottomotto LLC and Otto Trucking LLC (the "Parties") have agreed that John L. Cooper shall be appointed as Special Master in this action. This Order hereby appoints Mr. Cooper to serve as Special Master to the full extent permitted by Rule 53 of the Federal Rules of Civil Procedure. Mr. Cooper will engage in assignments directed to him by the District Court including supervision of discovery, investigation, conduct hearing of factual matters, prepare findings of fact, make recommendations to the Court, including recommendations regarding technical issues including legal issues.

Mr. Cooper is a partner in the law firm of Farella Braun + Martel LLC which represents and has represented Google, Inc., the parent company of Waymo LLC. Neither Mr. Cooper nor his firm have represented nor received confidential information from any of the other Parties, including Waymo LLC and Uber Technologies, Inc., Ottomotto LLC and Otto Trucking LLC.

1 Mr. Cooper's law firm also does personal legal work for one member of the board of directors of
2 Uber Technologies, Inc. as well as personal work for certain shareholders of Uber Technologies,
3 Inc. The representations by Mr. Cooper's law firm have been disclosed to the Parties and after
4 that disclosure they have agreed to Mr. Cooper's appointment as Special Master in this action.

5 Mr. Cooper may utilize the services of other lawyers in his firm who are not performing
6 work on Google, Inc. matters. Mr. Cooper's hourly rate for work in this matter will be \$1,100 per
7 hour. The other lawyers in Mr. Cooper's firm will charge their normal 2017 hourly rates for work
8 in this matter. The Farella Braun + Martel LLP invoices will be paid in equal parts by the Plaintiff
9 and Defendants unless otherwise ordered by the Court and shall be paid within 30 days of
10 submission. All lawyers in the Farella Braun + Martel LLP firm working on this matter will
11 execute acknowledgments of the applicable Protective Order. Farella Braun + Martel LLP will
12 erect an ethical wall between Mr. Cooper and the other lawyers working on this matter and all
13 Google, Inc. matters being handled by other lawyers in Farella Braun + Martel LLP.

14 The Special Master shall not engage in substantive ex parte communications with the
15 Court or with the Parties except as ordered by the Court or as agreed by the parties. Orders or
16 findings by the Special Master will be reviewed by the Court upon action by the Court or motion
17 by a Party.

18 IT IS SO ORDERED.

19 DATED: April __, 2017

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22 HON. WILLIAM H. ALSUP
23 UNITED STATES DISTRICT COURT JUDGE
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